



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 23, 2008

Mr. Albert Dye
Site Treatment Plan Project Manager
Water Quality & RCRA Group
Los Alamos National Security, LLC
PO Box 1663, Mail Stop K490
Los Alamos, NM 87545

Mr. Dave D. Stewart
Interim Waste Management Program Manager
Department of Energy
528 35th Street
Mail Stop A316
Los Alamos, NM 87544

RE: NOTICE OF DISAPPROVAL OF THE RESPONSE TO NMED's AUGUST 8, 2008 NOTICE OF DISAPPROVAL OF SITE TREATMENT PLAN (STP) FISCAL YEAR 2007 (FY07) UPDATE AND REVISION 18.0 PROPOSAL, SEPTEMBER, 5 2008
LOS ALAMOS NATIONAL LABORATORY (LANL)
FEDERAL FACILITY COMPLIANCE ORDER (FFCO)
EPA ID NO. NM08990010515
HWB-LANL-08-021

Dear Messrs. Dye and Stewart:

The New Mexico Environment Department (the Department) has reviewed the above-referenced document (referenced as ENV-RCRA-08-177) and hereby disapproves the September 5, 2008 submittal according to Section X.A (Revisions) in the Federal Facilities Compliance Order, (October 4, 1995). The Respondents failed to submit to the Department what was required by the August 8, 2008 Notice of Deficiency (NOD).

Specifically, page 6 required:

All revisions must be submitted in the form of two paper copies and an electronic version in redline-strikeout format, showing all changes to the Update. The Respondents must also submit an electronic copy of the revised

Update in Microsoft Word.

If the Respondents are at any time unclear as to what the Department has requested for a submittal, the Department encourages the Respondents to contact the Department prior to the submittal date to clarify the issue. The FFCO also supports this action; Section XX.A (*Exchange of Information*) states, “[r]espondents are encouraged to confer with NMED at any time prior to the submission of any proposals, plans, studies, reports, updates, or notifications required by this Order.”

The Respondents must submit the two hardcopies of the revised STP FY07 Update and Revision 18.0 Proposal, the electronic version of the revised STP FY07 Update and Revision 18.0 Proposal in redline-strikeout format showing all changes made to the Update, and the electronic copy of the revised Update in Microsoft Word no later than Monday, October 27, 2008.

If you have any questions or comments regarding this letter, please contact Rebecca Kay of my staff at (505) 476-6040 or by email at rebecca.kay@state.nm.us.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: R. Kay, NMED-HWB
J. Kieling, NMED-HWB
S. Zappe, NMED-HWB
D. Cobrain, NMED-HWB
K. Roberts, NMED-HWB
L. King, EPA 6PD-N
J. Ellvinger, ENV-RCRA, LANL-LASO, MS K490
T. Grieggs, ENV-RCRA, LANL-LASO, MS K490
G. Turner, DOE-LANS, MS A316
File: Reading and LANL FFCO 2008